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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,326	06/19/2000	Jerry C. Anderson	SCF-58	4039

7590

10/07/2002

Jason W. Johnston  
Dority & Manning  
P O Box 1449  
Greenville, SC 29602-1449

EXAMINER

RUDDOCK, ULA CORINNA

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 10/07/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Keep in case

mk-9

**Office Action Summary**Application No.  
**09/597,326**Applicant(s)  
**Jerry C. Anderson**Examiner  
**Ula Corinna Ruddock**Art Unit  
**1771**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Jul 5, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 and 34-41 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 34-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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**DETAILED ACTION**

***Election/Restriction***

1. The Examiner has carefully considered Applicant's amendment and accompanying remarks filed July 5, 2002. The rejections in view of Anderson (US 6,253,777) since this reference is not available as prior art.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

3. Claims 1-7, 9-18, 20-24, and 34-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Botsolas (US 4,054,710) in view of Heinrich et al. (US 3,991,549). Botsolas discloses a laminated insulation blanket (abstract). The insulating material can be constructed essentially of inorganic fibers, such as glass fibers (col 3, ln 3-11). The insulating material is bonded to a polyester resin film (col 2, ln 57-60). The film also exhibits low permeability for water vapor (col 4, ln 5-18). A reinforcing layer of open mesh scrim cloth composed of polyethylene terephthalate fibers (i.e. polyester) is also present in the laminate (col 2, ln 15 and col 5, ln 16-17). Botsolas discloses the claimed invention except for the teaching that there further comprises a second barrier layer adjacent to the insulation layer. Botsolas also fails to disclose that the yarns of

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the scrim are flame-retardant, textured yarns having a denier from about 70 to 1200, and that these yarns are formed by false-twist texturizing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have placed a second polyester film having a reinforcing scrim attached thereto on the other side of the insulating material of Botsolas, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. In the present invention, one would have been motivated to do so in order to create a blanket with increased insulating properties.

Heinrich et al. (US 3,991,549) disclose a filament yarns that undergo false twist texturizing (col 1, ln 502-53) wherein the filament yarns can be polyesters (col 4, ln 35-36). The flame resistance may be increased by using yarn components which are flame-proof or flame-retarding (col 3, ln 42-44). The filament yarns have a dtex of 67, i.e. 60.3 denier (col 6, ln 1-3). It would have been obvious to have used the flame-retardant polyester yarns of Heinrich et al. in the insulating blanket of Botsolas, motivated by the desire to obtain a composite insulation with increased flame retardance and additional durability.

In addition, the combination of Botsolas and Heinrich et al. fail to disclose that the yarns of the scrim have a denier of from about 70-1200, that the scrim has a basis weight of less than about 1 ounce per square yard, or more specifically .25 to about .45 ounces per square yard or that the

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blanket has a thickness between about 1 to about 4 inches. It should be noted that increasing the yarn denier and the basis weight of the scrim are result effect variables. The larger the yarn denier and the greater the basis weight is directly affects the strength and durability of the scrim. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the scrim have a basis weight of less than 1 ounce per square yard, or more specifically .25 to about .45 ounces per square yard or to have made the blanket have a thickness between about 1 to about 4 inches, since it has been held that discovering an optimum *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). In the present invention, one would have optimized the basis weight of the scrim and the thickness of the blanket motivated by the desire to obtain an insulating blanket with increased durability and strength.

4. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Botsolas (US 4,054,710) and Heinrich et al. (US 3,991,549), as applied to claims 1-7, 9-18, and 20-24 above, and further in view of Geiger (US 4,452,848). Botsolas and Heinrich disclose the claimed invention but fail to teach that the scrim has a leno weave.

Geiger disclose a composite roof membrane comprising an interior vapor barrier formed of a scrim reinforced film material (abstract). The scrim may be a complex leno weave (col 2, ln 20-22). The scrim can be polyester (claim 4). It would have been obvious to have employed Geiger's

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leno weaving process on the scrim of Botsolas and Heinrich et al., motivated by the desire to obtain a scrim with increased strength and firmness.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-24, have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is (703) 305-0066. The Examiner can normally be reached Monday through Thursday from 6:30 AM to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor Terrel Morris can be reached at (703) 308-2414.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-2351.

Ula C. Ruddock *ucr*  
Patent Examiner  
Art Unit 1771  
October 1, 2002

*Elizabeth M. Cole*  
ELIZABETH M. COLE  
PRIMARY EXAMINER